

WRIT PETITION NO. 6425 OF 2003

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DTAED; 19TH SEPT., 2005.

2.	The	petitioner	was	inducted	in	Indian	Police	Service	
after	he	was	duly	selected	for	the	same.	However	the
petitioner	was	not		satisfied	by	that	selection		and
therefore	made	a		representation		to	the	Government	
claiming	that	he	is	entitled	to	be	granted	deemed	date
of	appointment	with	effect	from		22-9-1988	as	his	juniors
were	promoted	by	that	day.		This	representation		was

rejected and therefore the original application was filed. In the original application, as will be also seen from the order, the main grievance of the applicant was that his record having undergone a change, he was entitled to be constituted of a Review Committee for consideration of his change of record. This aspect has considered by the Tribunal in para 6 of its order. It is pertinent to note that the Tribunal did go into the records of the case and have considered the merits of the petition as considered by the Selection Committee.

It is observed in this paragraph that:

"We find from the Minutes of the Selection Committee meeting that such of those adverse remarks, which were not communicated and were not given any weightage whatsoever by the Selection Committee."

Then the tribunal has observed after the records were perused that the trend of the remarks of reporting officer as well as the reviewing officer with regard to the several ACRs appears to be that the the applicant did not yet mature in service and that it was too early to recommend his case for promotion. It will thus be seen that the tribunal had applied its mind to the record of the case in the light of the contentions raised.

3. In reply to the show case notice issued by this court, a detailed reply was filed in which it is categorically stated that the uncommunicated adverse remarks in relation to the petitioner were not considered and therefore there was no question of any review DPC to be held.

4. In writ jurisdiction this court cannot re-assess the material on the basis of which selections are made. It is only when rejection is not based on any evidence or on total non consideration of the material on record, that interference in writ jurisdiction may be possible. In the instant case as we observed the record was appreciated by the tribunal and the appreciation is neither illegal nor without any jurisdiction. Hence there is no question of interference. Petition accordingly dismissed.
